

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

JEREMIAH ERNESTO GARZA,

Plaintiff,

VS.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

CASE NO. 1:20-cv-2055

OPINION AND ORDER
[Resolving Doc. 2]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On September 14, 2020, Plaintiff Jeremiah Ernesto Garza filed a complaint challenging Defendant Commissioner of Social Security's decision to deny Garza benefits under the Social Security Act.¹ Garza filed an *in forma pauperis* application.² The Court referred the matter to Magistrate Judge Thomas M. Parker.

On September 14, 2020, Magistrate Judge Parker issued a Report and Recommendation (“R&R”) finding that Garza could pay the necessary case filing fees, making *in forma pauperis* relief inappropriate.³ Objections to the R&R were due by September 29, 2020.⁴ Plaintiff Garza filed no objections.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of an R&R to which the parties have made an objection.⁵ Failure to timely

¹ Doc. 1.

² Doc. 2.

³ Doc. 5.

⁴ *Id.*

⁵ 28 U.S.C. § 636(b)(1).

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object waives a party's right to appeal the magistrate's report.⁶ Where a party does not object to the R&R, a district court may adopt it without review.⁷

Further, this Court has examined Plaintiff Garza's *in forma pauperis* application and believes it should be denied. The application indicates that Garza and his spouse jointly make about \$3,700 a month against only \$2,600 in monthly expenses. Garza also has \$7,000 in a checking account and a \$24,000 retirement account, in addition to owning a home and car. The Court therefore agrees with the R&R's conclusion that Garza has not demonstrated that he is "unable to pay [his court] fees or give security therefor."⁸

Accordingly, in light of Plaintiff Garza's decision not to object to the R&R in this case and his application's lack of merit, the Court **ADOPTS** Magistrate Judge Parker's R&R, incorporates it as if fully restated herein, and **DENIES** Plaintiff Garza's *in forma pauperis* application.

IT IS SO ORDERED.

Dated: April 12, 2021

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ *Thomas v. Arn*, 474 U.S. 140, 154 (1985); *Gerth v. Warden, Allen Oakwood Corr. Inst.*, 938 F.3d 821, 827 (6th Cir. 2019).

⁷ *See Thomas*, 474 U.S. at 149–50.

⁸ 28 U.S.C. § 1915(a)(1).